

Attorney Docket No.:

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**IMIDAZOL DERIVATIVES**

the specification of which (check one)

\_\_\_ is attached hereto.

  x   was filed on 15.03.2005 as U.S. Serial No. or PCT International Application Number PCT/EP2005/002746 and was amended on

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of

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any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
10 2004 015 099.0	DE	29.03.2004		

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of **Heller Ehrman White & McAuliffe** to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

<b>PAUL BOOTH</b>	<b>Reg. No. 40,244</b>
<b>PATRICIA D. GRANADOS</b>	<b>Reg. No. 33,683</b>
<b>ROBERT M. HANSEN</b>	<b>Reg. No. 43,656</b>
<b>JOHN P. ISACSON</b>	<b>Reg. No. 33,715</b>
<b>RONALD J. KAMIS</b>	<b>Reg. No. 41,104</b>
<b>JOHNNY A. KUMAR</b>	<b>Reg. No. 34,649</b>
<b>MARVIN A. MOTSENBOCKER</b>	<b>Reg. No. 36,614</b>
<b>COLIN G. SANDERCOCK</b>	<b>Reg. No. 31,298</b>

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and I request that all correspondence be directed to:

**HELLER EHRMAN WHITE & MCAULIFFE**  
**1666 K Street, NW, Suite 300**  
**Washington, DC 20006**  
**Telephone: (202) 912-2000**  
**Facsimile: (202) 912-2020**

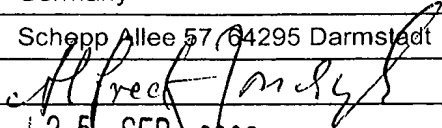
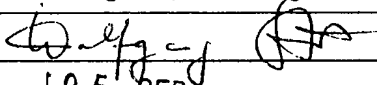
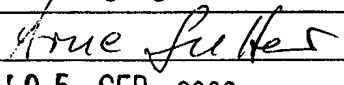
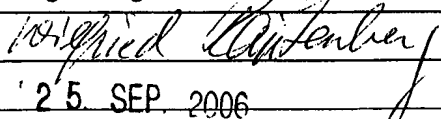
I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

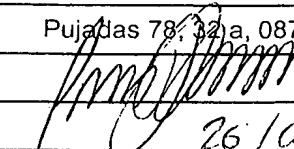
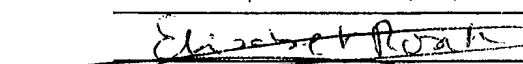
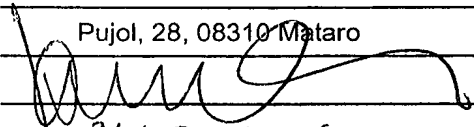
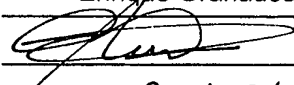
Name of first inventor	<b>Guenter Hoelzemann</b>
Residence	Germany
Citizenship	Germany
Post Office Address	Gutenbergstrasse 6B, 64342 Seeheim-Jugenheim
Inventor's signature	<i>Guenter Hoelzemann</i>
Date	25. SEP. 2006

Name of second inventor	<b>Helene Crassier</b>
Residence	Germany
Citizenship	France
Post Office Address	Soderstrasse 94, 64287 Darmstadt
Inventor's signature	<i>Helene CRASSIER</i>
Date	25. SEP. 2006

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Name of third inventor	<b>Alfred Jonczyk</b>
Residence	Germany
Citizenship	Germany
Post Office Address	Schepp Allee 57, 64295 Darmstadt
Inventor's signature	
Date	' 2 5. SEP. 2006
Name of fourth inventor	<b>Wolfgang Staehle</b>
Residence	Germany
Citizenship	Germany
Post Office Address	Neuweg 14c, 55218 Ingelheim
Inventor's signature	
Date	' 2 5. SEP. 2006
Name of fifth inventor	<b>Arne Sutter</b>
Residence	Germany
Citizenship	Germany
Post Office Address	Prinzenbergweg 3, 64367 Muehlthal
Inventor's signature	
Date	' 2 5. SEP. 2006
Name of sixth inventor	<b>Wilfried Rautenberg</b>
Residence	Germany
Citizenship	Germany
Post Office Address	Magdeburger Strasse 13, 64354 Reinheim
Inventor's signature	
Date	' 2 5. SEP. 2006

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Name of seventh inventor	<b>Francesc Mitjans</b>
Residence	Spain
Citizenship	Spain
Post Office Address	Pujadas 78, 32a, 08700 Igualada
Inventor's signature	
Date	26/07/2006
Name of eighth inventor	<b>Elisabet Rosell-Vives</b>
Residence	Spain
Citizenship	Spain
Post Office Address	Enrique Granados, 43, 08008 Barcelona
Inventor's signature	
Date	26/07/2006
Name of ninth inventor	<b>Jaume Adan</b>
Residence	Spain
Citizenship	Spain
Post Office Address	Pujol, 28, 08310 Mataro
Inventor's signature	
Date	31/07/2006
Name of tenth inventor	<b>Marta Soler Riera</b>
Residence	Spain
Citizenship	Spain
Post Office Address	Enrique Granados N° 43, entlo. 2, 08008 Barcelona
Inventor's signature	
Date	26/07/06

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

49442

OR

☐ Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

49442

OR

<input type="checkbox"/> Firm or Individual Name	Baker & Daniels LLP		
Address	805 15th Street, NW, Ste. 700		
City	Washington	State	DC Zip 20005
Country	USA		
Telephone	(202) 312-7400	Email	

Assignee Name and Address:

Merck Patent GmbH  
Frankfurter Strasse 250  
64293 Darmstadt  
Germany

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/08 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Hartmann</i>	Date	14 DECEMBER 2006
Name	ppa. Dr. Hartmann	Telephone	011 49 615172 7669
Title	Principal Officer		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1400, Alexandria, VA 22313-1400. DO NOT SEND PEEER OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1400, Alexandria, VA 22313-1400.

If you need assistance in completing the form, call 1-800-PTO-9190 and select option 2.

**BEST AVAILABLE COPY**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Merck Patent GmbHApplication No./Patent No.: 10/593,295 Filed/Issue Date: September 18, 2006Entitled: IMIDAZOLE DERIVATIVESMerck Patent GmbH, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

Ronald J. Kamis  
Printed or Typed Name

\_\_\_\_\_  
Attorney of Applicant  
Title

1/11/07  
Date

(202) 312-7440  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**ASSIGNMENT AND AGREEMENT**

**WHEREAS**, Guenter Hoelzemann, Helene Crassier, Alfred Jonczyk, Wolfgang Staehle, Arne Sutter Wilfried Rautenberg, Francesc Mitjans, Elisabet Rosell-Vives, Jaume Adan, Marta Soler Riera (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled

**IMIDAZOL DERIVATIVES**

for which an application for United States Letters Patent was filed on as Application No. 10/593,295 ; and

**WHEREAS**, Merck Patent GmbH, having its principal place of business at **Frankfurter Strasse 250, 64293 Darmstadt, Germany** (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

**NOW THEREFORE**, in view of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

**ASSIGNOR HEREBY AUTHORIZES AND REQUESTS** the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

**ASSIGNOR HEREBY AGREES** (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue

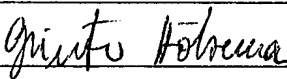
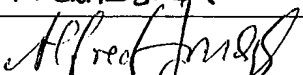
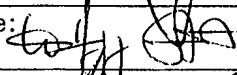
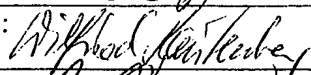
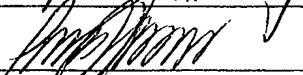
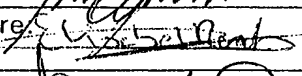
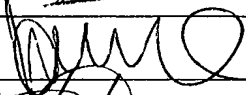
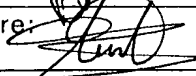
**Attorney Docket No.:**

applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

*ASSIGNOR HEREBY REPRESENTS AND WARRANTS* that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

*ASSIGNOR HEREBY GRANTS* to the law firm of **Heller Ehrman White & McAuliffe** the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

*ASSIGNOR UNDERSTANDS AND AGREES* that the attorneys and agents of the law firm of **Heller Ehrman White & McAuliffe** do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

<b>NAMES AND SIGNATURES OF INVENTORS</b>		
Name: Guenter Hoelzemann	Signature: 	Date: 25. SEP. 2006
Name: Helene Crassier	Signature: H. CRASSIER	Date: 25. SEP. 2006
Name: Alfred Jonczyk	Signature: 	Date: 25. SEP. 2006
Name: Wolfgang Staehle	Signature: 	Date: 25. SEP. 2006
Name: Arne Sutter	Signature: 	Date: 02/08/06
Name: Wilfried Rautenberg	Signature: 	Date: 02/08/06
Name: Francesc Mitjans	Signature: 	Date: 26/07/06
Name: Elisabet Rosell-Vives	Signature: 	Date: 26/07/06
Name: Jaume Adan	Signature: 	Date: 31/07/06
Name: Marta Soler Riera	Signature: 	Date: 26/07/06
Name:	Signature:	Date

Attorney Docket No.:

NAMES AND SIGNATURES OF WITNESSES		
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 25. SEP. 2006
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 25. SEP. 2006
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 25. SEP. 2006
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 25. SEP. 2006
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 2.8.06
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 2.8.06
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 26.7.06
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 26.7.06
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 31.7.06
Name: Elke Grosser	Signature: <i>Elke Grosser</i>	Date: 26.7.06
Name:	Signature:	Date: